

Remarks

Claims 1-16 are pending in the application. Claims 1-3, 5, 10, 12 and 13 are rejected, claims 4, 6, 7, 11 and 14 are withdrawn from consideration, and claims 8, 9, 15 and 16 are objected to. By this paper, claims 1 and 10 are amended, and new claims 21-24 are added. Based on the following, consideration of the amended and new claims, and reconsideration of the remaining claims, are requested.

Examiner Interview

Applicants thank the Examiner for the telephonic interview conducted on July 5, 2005. During the interview, U.S. Patent No. 5,253,918 (Wood et al.) was discussed. In particular, Applicants suggested amendments to claims 1 and 10 to more particularly point out and distinctly claim the subject matter of the invention. No agreement was reached as to the patentability of the proposed amended claims; however, the Examiner indicated that if claims were submitted in a formal amendment they would be considered.

Claim Rejections—35 U.S.C. § 102

The Examiner rejected claims 1-3, 5, 10 and 12-13 under 35 U.S.C. § 102(b) as being anticipated by Wood et al. Wood et al. describes a truck bed liner with tie-down fasteners. In order to provide a mating structure for a threaded bolt, the truck bed liner described in Wood et al. can provide a nut "formed as part of liner 11 and [] embedded in and substantially flush with the first liner surface 60." (Col. 4, ll. 55-57.) In order to provide an attachment member, such as the nut, Wood et al. describes the process of placing the nut "on the mold over which liner 11 is to be formed. A sheet of formable plastic is placed over the mold, including any attachment member(s). The plastic sheet is heated and a vacuum is then applied against first liner surface 60 of liner 11 to form the plastic sheet over the mold and the attachment member(s)." (Col. 4, ll. 62-68.) Thus, Wood et al. relies on separate fastening elements which must be dealt with during the forming process of the truck bed liner to ensure that they are available for use by a mating bolt.

In contrast, amended claim 1 of the present application recites a bed liner for a vehicle which includes "a pair of reinforcing members, ...each of the reinforcing members being a unitary structure having the threads of the threaded holes formed therein." No such elements are expressly or inherently described in Wood et al. For example, if the nuts 13 in combination with elements 15 in Wood et al. are construed to be a reinforcing member, they are not a unitary structure as specifically recited in amended claim 1. As noted above, the formation of the nuts 13 in combination with the elements 15 requires a plastic sheet to be molded over top of the nuts to provide a multi-part structure which is not readable on amended claim 1.

Amended claim 1 is the base claim for claims 2-7. Each of these dependent claims contains all of the limitations of amended claim 1, as well as additional limitations which further distinguish it from the cited reference. Moreover, amended claim 1 is generic as to each of the species delineated by the Examiner. Therefore, allowance of claims 1-7 is respectfully requested.

By this paper, claim 10 is amended to more particularly point out and distinctly claim the subject matter of the invention. Amended claim 10 recites a bed liner for a truck including "a pair of reinforcing members, ...each of the reinforcing members being formed without the addition of any separate fastening elements, such that the threads of the threaded holes are formed directly in the reinforcing members." No such elements are expressly or inherently described in Wood et al. As noted above, Wood et al. specifically requires the addition of a separate fastening element, such as the nut 13, to provide the threaded holes in the truck bed liner. If the combination of the nuts 13 and the elements 15 in Wood et al. are construed to be a reinforcing member, such a combination does not read on amended claim 10, which specifically recites the reinforcing members "without the addition of any separate fastening elements...."

Amended claim 10 is the base claim for claims 11-14. Each of these dependent claims contains all of the limitations of amended claim 10, as well as additional limitations

which further distinguish it from the cited reference. Moreover, amended claim 10 is generic as to each of the species delineated by the Examiner, and therefore, allowance of claims 10-14 is respectfully requested.

Allowable Subject Matter

The Examiner objected to claims 8, 9, 15 and 16 as being dependent upon a rejected base claim, but indicated that each would be allowable if rewritten in independent form to include all of the limitations of the respective base claim and any intervening claims. As noted above, amended claims 1 and 10 are believed to be allowable, and therefore, Applicants respectfully request that the objections to claims 8, 9, 15 and 16 be withdrawn.

New Claims

By this paper, claims 21-24 are added. Claim 21 contains limitations from claims 1 and 15, and is believed to be allowable. Claim 21 is the base claim for claims 22-24, and it is generic with regard to each of the species delineated by the Examiner. Therefore, Applicants respectfully request allowance of claims 21-24.

Respectfully submitted,

Joseph W. Bommarito et al.

By Marc F. Malooley
Marc F. Malooley
Reg. No. 50,624
Attorney/Agent for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351